UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue, Suite 155
Seattle, WA 98101-3188

ENFORCEMENT &
COMPLIANCE ASSURANCE
DIVISION

JUN 06 2019

Reply to: 20-C04

Mr. Hans Nederend IV
Nederend Dairy
4998 Hogg Road
Homedale, Idaho 83628

Re: NPDES Compliance Evaluation Inspection at Nederend Dairy located at 5101 Dobbin Lane in Marsing, Idaho.

Dear Mr. Nederend:

On April 2, 2019, the PG Environmental, on behalf of the United States Environmental Protection Agency (EPA), conducted a compliance inspection at your facility. The purpose of the inspection was to determine compliance with the Clean Water Act (CWA). A copy of the inspection report is attached to this letter. Please review the inspection report, note the areas of concern, if any, and take any actions necessary to ensure compliance with the CWA.

An EPA Compliance Officer will use this inspection report in evaluating your facility's compliance with the CWA. This may result in subsequent contact from EPA personnel if a violation is identified. This letter is sent only to transmit the inspection report, and it should not be interpreted as a final compliance determination. Please direct any questions regarding compliance evaluations to Steven Potokar at (206)-553-6354 or potokar.steven@epa.gov.

Thank you for the cooperation and assistance extended to the PG Environmental staff during the inspection.

Sincerely,

Jeff KenKnight, Chief
Surface Water Enforcement Section

Enclosure

cc: Mr. Mitch Vermeer
Idaho State Department of Agriculture

IDAHO CAFO INSPECTION REPORT

GENERAL INFORMATION

Facility ID #:	N/A* – unpermitted CAFO
Facility Name:	Nederend Dairy
Facility Owner:	Nederend Farms, LLLP
Facility Operator:	Hans Nederend IV
Mailing Address:	4998 Hogg Rd. Homedale, ID 83628
Physical Address:	5101 Dobbin Lane Marsing, ID 83647
County:	Owyhee
Contact Person:	Hans Nederend IV
Phone *(office)*:	N/R*
***(fax)*:**	N/R ***(cell)*:** (b) (6)
E-mail:	N/R

Persons Present During Inspection:

Hans Nederend IV and John Nederend (Nederend Dairy); Rick Naerebout, Megan Satterwhite, and Tanya Oldham (Idaho Dairymen's Association); Emily Montague and Pradip Adhikari (Idaho State Department of Agriculture [ISDA]); Tyler Fortunati and Tobby Kennedy (Idaho Department of Environmental Quality); Sirese Jacobson and Jennifer Ferrando (PG Environmental). The facility's agronomist (name not recorded) joined the group for a portion of the initial interview prior to the site tour.

Max. Animals Confined per Month: N/R

Max. Capacity of Facility: The facility representatives did not know the facility's maximum capacity.

Inspectors:	Sirese Jacobson and Jennifer Ferrando (PG Environmental)
Inspection Date:	April 2, 2019
Time In:	8:05 AM
Time Out:	10:31 AM
Weather:	Cloudy, approx. 45° F.

GPS Reading (At Gate)

North: 43.56232

West: -116.86237

Does the facility owner/operator own and/or operate any other animal feeding operations? Yes

If yes provide name(s) and address(es) and indicate whether the facility is an AFO or a CAFO: Mirada Dairy, Marsing, ID (address and AFO/CAFO status not determined).

Location and name of nearest surface water[1] and description of flow path:

Nederend Dairy is approximately 1.6 miles south of the Snake River. A bermed irrigation canal runs along the facility's northeast border. Based on a review of aerial imagery and discussion with the facility representatives, it appears that the irrigation canal flows to the Snake River.

Number of animals today (all animals in production area):

	# confined		# confined
Cattle		**Sheep**	
Dairy mature	4,730 milking, 541 dry	**Dairy heifers**	340 springers
Swine (≥55#)		**Swine (<55#)**	
Turkeys		**Laying hens**	
Other chickens		**Other (specify)**	1,200 calves

X	**Presented credentials? (check if yes)** Presented Letter of Authorization dated March 26, 2019
X	**Inspection photos or site map/aerial photo attached? (check if yes)**
X	**Potential compliance issues? (check if yes and summarize below)**

*NA = Not Applicable; NR = Not Requested

Note: The federal regulations cited throughout the checklist are included as reference for discharging CAFOs.

[1] Surface water means all waters of the United States.

SUMMARY OF POTENTIAL COMPLIANCE ISSUES

- The facility's NMP did not include site-specific conservation practices; however, the facility representatives specified that they turn off the end guns on pivots when applying wastewater near the irrigation canals and use drop hoses with low pressure nozzles on the pivots. In addition, a berm along the irrigation canal prevents the discharge of wastewater into the canal. It is recommended that the facility's NMP be updated to include site-specific conservation practices The federal regulations at 40 CFR 122.23(e)(1) require documentation of site-specific conservation practices to prevent the runoff of pollutants from land application areas is required for discharges from the land application area to a water of the U.S. to meet the agricultural storm water definition.
- According to the facility representatives, the facility did not document land application of wastewater that occurred from November 2018 to March 2019 but planned to maintain land application records moving forward. It is recommended that the facility operator document land application events, including the date and amount of manure/wastewater applied to a specific field and calculations of tons of pounds of nutrients applied. The federal regulations at 40 CFR 122.23(e)(1) require documentation of land application events for discharges from the land application area to a Water of the U.S. to meet the agricultural stormwater definition.
- During the site tour, the inspectors observed ponding of silage leachate outside of a designated impoundment. According to the facility representatives, this wastewater is pumped to Lagoon 1 or onto an adjacent field. It is recommended that the facility operator pump wastewater from this area into a designated impoundment to ensure that the leachate nutrient content and volume are captured in the wastewater application rate calculations and records for the facility.
- According to the facility representatives, runoff from the westernmost corral flows into a ditch that runs along the western side of Pivot Field 2 between Lagoon 2 and the pivot field, outside the base of the eastern berm of Lagoon 2. Although the operator indicated that he had never seen wastewater in the ditch, it is recommended that the facility operator ensure that process wastewater cannot exit the ditch and lead to a discharge to a Water of the U.S.

INSPECTION OBSERVATIONS

Nutrient Management Plan (NMP)

Required NMP Element [40 CFR 122.42(e)(1)]

Indicate whether the following elements are included in the NMP:

Yes 1. Is the facility's NMP available on-site? Does it reflect the current operational characteristics and practices? [40 CFR 122.42(e)(2)(ii)]

Date developed or last revised: March 6, 2019.

All statements about the NMP in this report refer to the March 6, 2019, version of the NMP. The NMP was developed by the facility's agronomist, who is certified by ISDA to develop NMPs, using the current version of ISDA's NMP software.

Nutrient Management Plan (NMP) (continued)

Yes 2. Ensure adequate storage of manure and process wastewater, including operation and maintenance procedures. [40 CFR 122.42(e)(1)(i)]
The NMP identifies individual storage structures and capacities. Data provided in the NMP indicates that the facility has approximately five times more wastewater storage capacity than required. These calculations include the storage capacities for Nederend Dairy and the nearby Mirada Dairy, also owned by Nederend Farms, as the two facilities can transfer wastewater between them as needed. The facility representatives stated that an additional storage lagoon is being planned, west of Lagoon 1, to significantly increase available storage capacity. This NMP element is not required for unpermitted CAFOs under the Clean Water Act.

No 3. Ensure proper management of animal mortalities. [40 CFR 122.42(e)(1)(ii)]
The facility's NMP does not address animal mortality management. According to Mr. Hans Nederend, mortalities are temporarily stored near the northwest corner of Dairy Lagoon 1 until picked up by Darling International for rendering. This NMP element is not required for unpermitted CAFOs under the Clean Water Act.

N/A 4. Ensure that clean water is diverted, as appropriate, from the production area. [40 CFR 122.42(e)(1)(iii)]
Based on information provided by the facility representative and site observations, the irrigation canal to the north and localized topography would prevent run-on to the production area. This NMP element is not required for unpermitted CAFOs under the Clean Water Act.

N/A 5. Prevent direct contact of confined animals with surface waters. [40 CFR 122.42(e)(1)(iv)]
Surface waters do not flow through any portion of the production area. This NMP element is not required for unpermitted CAFOs under the Clean Water Act.

No 6. Ensure proper disposal of chemicals and other contaminants. [40 CFR 122.42(e)(1)(v)]
According to Mr. Nederend, all chemicals necessary for use in the operation are stored and mixed offsite. This NMP element is not required for unpermitted CAFOs under the Clean Water Act.

NOTE: Unpermitted CAFOs with agricultural stormwater runoff are required to implement the following nutrient management planning elements (7 – 10) to qualify for the agricultural stormwater exemption [40 CFR 122.23(e)]

No 7. Identify site-specific conservation practices to control runoff of pollutants. [40 CFR 122.42(e)(1)(vi)]
According to Mr. Nederend, the following practices are used to prevent nutrient loss from land application areas: a berm is maintained by the Irrigation District along the irrigation canal, the facility uses drop hoses with low-pressure nozzles on the pivots, and the facility turns off the end guns on pivots near the irrigation canal. The NMP does not reflect the facility's conservation practices in use.

Nutrient Management Plan (NMP) (continued)

No 8. Identify protocols for manure, process wastewater, and soil sampling and testing. [40 CFR 122.42(e)(1)(vii)]
The NMP includes protocols for soil testing but does not include protocols for compost and wastewater testing. The results of wastewater and manure analyses performed are included in the calculations shown in the NMP. Wastewater and composted manure are applied to land application sites under the operational control of Nederend Dairy. Unpermitted CAFOs with agricultural stormwater runoff must implement protocols for appropriate manure, process wastewater, and soil testing and maintain associated records to qualify for the agricultural stormwater runoff exemption under the Clean Water Act.

Yes 9. Establish protocols to land apply manure or process wastewater in accordance with site-specific nutrient management practices that ensure appropriate agricultural utilization of the nutrients in the manure, litter, or process wastewater. [40 CFR 122.42(e)(1)(viii)]
The facility's NMP was developed using ISDA software. Provided the software addresses all necessary considerations and data elements to ensure calculation of land application rates that ensure appropriate agricultural utilization of the applied manure and wastewater, this nutrient management planning requirement is satisfied.

No 10. Identify specific records that will be maintained to document the implementation and management of the minimum NMP elements (#2-#9 above). [40 CFR 122.42(e)(1)(ix)]
The NMP does not identify the site-specific records that will be maintained to document the NMP elements listed above. See question 33 below for a description of the facility's record keeping specific to the nutrient management planning elements that apply to unpermitted CAFOs in the context of the Clean Water Act agricultural stormwater exemption (#7-#9 above).

Additional NMP Requirements for Large Dairy Cow, Cattle, Swine, Poultry, and Veal Calf CAFOs

Yes 11. Application rates are calculated as required by 40 CFR 412.4(c)(2).
The NMP was developed using ISDA software. Provided the software addresses field-specific risk of nitrogen and phosphorus transport to surface waters; the form, source, amount, timing, and method of nutrient application to achieve realistic yield goals; and consideration of multi-year phosphorus application, the rates in the plan were calculated in accordance with the referenced requirements.

No 12. Specifies the manure, process wastewater, and soil sampling at the required frequencies and for the required parameters? [40 CFR 412.4(c)(3)] *(manure/wastewater annually for P & N, soils at least every 5 years for phosphorus transport)*
The NMP specifies soil sampling frequency and parameters but does not include manure and wastewater sampling protocols. According to Mr. Hans Nederend, manure and wastewater are sampled twice annually. This NMP element is not required for unpermitted CAFOs under the Clean Water Act; however, unpermitted CAFOs with agricultural stormwater runoff must implement protocols for appropriate manure, process wastewater, and soil testing and maintain associated records to qualify for the agricultural stormwater runoff exemption under the Clean Water Act.

Nutrient Management Plan (NMP) (continued)

No 13. Includes periodic inspection of land application equipment? [40 CFR 412.4(c)(4)]
The NMP does not address land application equipment inspection. The facility representative indicated that land application equipment is regularly calibrated and inspected for leaks. This NMP element is not required for unpermitted CAFOs under the Clean Water Act.

No 14. Includes 100-foot setback or 35-foot vegetated buffer, or approved alternative? [40 CFR 412.4(c)(5)]
Through review of aerial imagery, Idaho Department of Water Resources's (IDWR) interactive maps, and discussion with facility representatives, it appears that the irrigation canal that borders the facility and several of the land application fields leads to the Snake River. Note that the flow in the canal appeared to be to the south at the time of the inspection; however, according to facility representatives and based on data provided in the IDWR maps flow is typically to the north toward the Snake River. The facility's NMP does not identify site-specific conservation practices; however, Mr. Nederend stated that the end guns on the pivots near the canal to maintain a land application setback. In addition, the canal is bermed and the drop hoses on the pivots are below the top elevation of the berm.

Where applicable, identify each field and setback type:

Field ID	Setback Type
Pivot 2	End guns off near canal, drop hoses below berm height
Pivot 5	

Monitoring, Documentation and Recordkeeping

Does the facility maintain the following records?

N/A 15. The completed permit application? [40 CFR 412.37(b)]
Nederend Dairy is an unpermitted CAFO.

No 16. The current design of manure storage structures, including volume of solids accumulation, design treatment volume, total design volume, and approximate number of days of storage capacity? [40 CFR 412.37(b)(5)]
The facility's NMP identifies individual storage structures and capacities but does not include all of the elements listed above. This documentation is not required for unpermitted CAFOs under the Clean Water Act.

N/A 17. The date, time, and estimated volume of any overflow? [40 CFR 412.37(b)(6)]
According to Mr. Nederend, there have been no overflows from the impoundments at Nederend Dairy. The inspectors did not identify evidence of overflows during the site evaluation.

No 18. Manure and process wastewater transfers, including the most current nutrient analysis of the manure or wastewater that was provided to the recipient, the date and approximate amount transferred, and the name and address of the recipient? [40 CFR 122.42(e)(3)]

Yes a. Name of recipient

Yes b. Address of recipient

Yes c. Date of transfer

Yes d. Approximate amount transferred (tons/gallons)

Monitoring, Documentation and Recordkeeping (continued)

No e. Recent (12 months or less) manure nutrient analysis provided

Wastewater and manure are applied to land application sites at Nederend Dairy. Manure and wastewater are also transferred to third-party farmers. The facility documents the information listed above but does not provide the results of nutrient analyses to the third-party farmers. This documentation is not required for unpermitted CAFOs under the Clean Water Act.

Additional Production Area Records for Large Dairy Cow, Cattle, Swine, Poultry, and Veal Calf CAFOs

No 19. Documentation of daily and weekly visual inspections of the production area, including:

No a. Weekly inspection of stormwater diversions, waste storage structures, and process wastewater channeling devices? [40 CFR 412.37(b)(1)]

No b. Daily inspection of water lines? [40 CFR 412.37(b)(1)]

No c. Weekly inspection of impoundments and tanks? [40 CFR 412.37(b)(1)]

The facility representative indicated that the above items are inspected during routine operations in the production area; however, the visual inspections are not documented. In addition, the facility has installed test wells around the lagoons which are regularly monitored to detect leaks. This documentation is not required for unpermitted CAFOs under the Clean Water Act.

No 20. Weekly records of the depth of manure and process wastewater in liquid impoundments and terminal tanks? [40 CFR 412.37(b)(2)]
The facility representative indicated that lagoon wastewater levels are evaluated during routine operations in the production area. The lagoons do not include depth markers and the facility does not document freeboard or any other indicator of wastewater levels in the impoundments. This documentation is not required for unpermitted CAFOs under the Clean Water Act.

No 21. Documentation of actions taken to correct deficiencies found as a result of production area inspections? [40 CFR 412.37(b)(3)]
Documentation of actions taken to correct deficiencies was not included in the records reviewed. This documentation is not required for unpermitted CAFOs under the Clean Water Act.

Yes 22. Documentation of mortalities management? [40 CFR 412.37(b)(4)]
Mortalities are picked up by Darling International for rendering. The facility maintains hauling invoices that document the dates removed and the number of animals picked up. This documentation is not required for unpermitted CAFOs under the Clean Water Act.

Monitoring, Documentation and Recordkeeping (continued)

Land Application Area Records for Large Dairy Cow, Cattle, Swine, Poultry, and Veal Calf CAFOs

Yes 23. Expected crop yields? [40 CFR 412.37(c)(1)]
Expected crop yields are included in the facility's NMP. These records may be required for unpermitted CAFOs under the Clean Water Act, to the extent that they are necessary to demonstrate land application of manure or process wastewater in accordance with site-specific nutrient management practices that ensure appropriate agricultural utilization of the nutrients in the manure or process wastewater.

No 24. Date(s) manure or process wastewater is applied to each land application site? [40 CFR 412.37(c)(2)
The facility documents the dates manure is applied to each land application site but had not documented the dates of wastewater applied from November 2018 to March 2019. The facility's agronomist, hired late in 2018, had not been aware of the need to document wastewater applications but indicated that those records would be maintained in the future. These records may be required for unpermitted CAFOs under the Clean Water Act, to the extent that they are necessary to demonstrate land application of manure or process wastewater in accordance with site-specific nutrient management practices that ensure appropriate agricultural utilization of the nutrients in the manure or process wastewater.

No 25. Weather conditions at the time of, and for 24 hours prior to and following, land application? [40 CFR 412.37(c)(3)]
These records are not specifically required for unpermitted CAFOs under the Clean Water Act but may be useful to demonstrate land application of manure or process wastewater in accordance with site-specific nutrient management practices that ensure appropriate agricultural utilization of the nutrients in the manure or process wastewater.

No 26. Test methods used to sample and analyze manure, process wastewater, and soil? [40 CFR 412.37(c)(4)]
These records are not specifically required for unpermitted CAFOs under the Clean Water Act but may be useful to demonstrate land application of manure or process wastewater in accordance with site-specific nutrient management practices that ensure appropriate agricultural utilization of the nutrients in the manure or process wastewater.

Yes 27. Results from manure, process wastewater, and soil analyses? [40 CFR 412.37(c)(5)]

Yes 28. Manure and process wastewater application rates determined in accordance with the technical standards? [40 CFR 412.37(c)(6)]
Planned rates were calculated using ISDA's NMP software.

Monitoring, Documentation and Recordkeeping (continued)

Yes 29. Calculations showing the total N and P to be applied to each land application site, including sources other than manure or process wastewater? [40 CFR 412.37(c)(7)]
The planned rates in the NMP were calculated using ISDA's NMP software. The NMP expresses planned rates in tons or gallons of manure or wastewater, respectively, to be applied. The inspectors did not evaluate the software, but presume, based on the information provided in the NMP, that the software calculates planned nutrient application rates based on crop nutrient needs, soil credits, and other nutrient inputs, and converts those rates to the tons or gallons to be applied based on the manure analysis data.

No 30. Total amount of N and P actually applied to each land application site, including calculations? [40 CFR 412.37(c)(8)]
The facility's records for solid manure/compost included the application dates and fields used for land application but did not include the number of loads or tons applied to each field. The facility representatives stated that they maintain bills of lading for the third-party contractor that they use for land applying solid manure. Note that the inspectors did not review the bills of lading. According to the facility representatives, the bills of lading show the number of loads hauled to each site. This could be translated to tons based on the equipment used, which, in turn, could be used to calculate the pounds of nutrients applied using the manure analyses. In addition to maintaining records for wastewater applications (see question 24), the facility representatives indicated that the number of loads and amounts applied would be documented with the manure application records in the future to support calculation of the pounds of nutrients applied and to correspond with the planned rates in the NMP, expressed in tons of manure (or gallons of wastewater) to be applied. Records of the total amount of N and P applied to each field are not specifically required for unpermitted CAFOs under the Clean Water Act but may be useful to demonstrate land application of manure or process wastewater in accordance with site-specific nutrient management practices that ensure appropriate agricultural utilization of the nutrients in the manure or process wastewater.

No 31. Method used to apply manure and process wastewater? [40 CFR 412.37(c)(9)]
All wastewater is applied at Nederend Dairy using pivot sprinklers. The inspectors did not document the method of compost application. The method of application is not documented in the land application records. These records are not specifically required for unpermitted CAFOs under the Clean Water Act but may be useful to demonstrate land application of manure or process wastewater in accordance with site-specific nutrient management practices that ensure appropriate agricultural utilization of the nutrients in the manure or process wastewater.

No 32. Date(s) of manure application equipment inspections for leaks? [40 CFR 412.37(c)(10)]
These records are not required for unpermitted CAFOs under the Clean Water Act.

Monitoring, Documentation and Recordkeeping (continued)

33. Describe the records that are maintained to document implementation of the following nutrient management planning elements [40 CFR 122.23(e)]:
    a. Identify site-specific conservation practices to control runoff of pollutants.
    Site specific conservation practices in use at the facility include drop hoses with low pressure nozzles on pivots, turning off end guns on pivots near the irrigation canal, and a berm maintained by the Irrigation District along the irrigation canal, according to the facility representatives. These conservation practices are not documented, however. These records are required for unpermitted CAFOs with agricultural stormwater runoff to qualify for the agricultural stormwater exemption under the Clean Water Act.

    b. Identify protocols for manure, process wastewater, and soil sampling and testing.
    The facility maintains laboratory analytical reports for soil, compost, and wastewater testing. These records are required for unpermitted CAFOs with agricultural stormwater runoff to qualify for the agricultural stormwater exemption under the Clean Water Act.

    c. Establish protocols to land apply manure or process wastewater in accordance with site-specific nutrient management practices that ensure appropriate agricultural utilization of the nutrients in the manure, litter, or process wastewater.
    The facility records included the dates of manure application to each field, but did not include the amount (either tons or loads) of manure applied. The facility maintained bills of lading that show the number of loads hauled to each field (see question 30 above). At the time of the inspection, the facility had not maintained wastewater application records from November 2018 to March 2019. Facility representatives indicated that complete records of manure and wastewater application would be maintained in the future. These records are required for unpermitted CAFOs with agricultural stormwater runoff to qualify for the agricultural stormwater exemption under the Clean Water Act.

Monitoring, Documentation and Recordkeeping comments:
The inspectors were not able to compare land application records to planned rates in the NMP. The current NMP was for the 2019 crop year and the land application records reviewed were for the 2018 crop year. As described above, the facility's past records documented the dates and locations of land application, but the amount of manure applied was only documented in separate bills of lading. Going forward, the facility representatives stated they planned to also include the number of loads and amount of manure and wastewater applied, consistent with the expression of rates, in tons and gallons, in the current NMP developed using the new ISDA software. However, the previous NMP that covered the 2018 crop year had been developed using the old ISDA program, OnePlan, which expresses planned rates in terms of pounds of N, P, and K. Therefore, the records maintained for land applications before the 2019 crop year would not be readily comparable to the corresponding NMP.

Land Application Sites

Yes 34. Does the facility apply manure or wastewater to land owned by or under the operational control of the CAFO?

- Number of land application sites: Number of sites not documented. The facility's NMP indicates that approximately 4,000 acres are available for land application of manure and wastewater from Nederend Dairy and Mirada Dairy. The inspectors' notes are inconsistent but indicate at least 2,000 and up to 6,000 additional acres are available through third-party export.
- Irrigation type(s): Pivot
- Furrow/flood irrigation sites – what is fate of applied wastewater and tailwater? N/A

Production Area

35. List impoundments

Impoundment ID	Wastewater Type	Wastewater Source(s)	Pumping level[2]	Wastewater below pumping level?	Max. recorded level	Date of max. recorded level
Separators 1-4	☒process generated ☒ runoff	Milking parlor, runoff from corrals	N/A	N/A	N/A	N/A
Separators 5-8	☒process generated ☒ runoff	Separators 1-4	N/A	N/A	N/A	N/A
Lagoon 1	☒process generated ☒ runoff	Separators 5-8, corrals	N/A – not required for unpermitted CAFOs under the Clean Water Act	N/A	N/A	N/A
Lagoon 2	☒process generated ☒ runoff	Lagoon 1		N/A Freeboard during inspection approx. 2 ft	N/A	N/A
Mixing pond	☒process generated ☒runoff	Lagoon 1, wastewater from Mirada Dairy		N/A	N/A	N/A

[2] The pumping level represents the minimum capacity necessary to contain runoff and direct precipitation from the 25-year, 24-hour rainfall event (40 CFR 40 CFR 412.37(a)(2)).

Production Area (continued)

36. Impoundment(s) collect all runoff from:

No Animal confinement areas? [3]
According to the facility representatives, runoff from the westernmost corral flows into a ditch that runs generally north along the outside of the eastern berm of Lagoon 2 and between Pivot Fields 2 and 5. The operator indicated that he had never seen wastewater in the ditch. The inspectors recommended that the facility operator ensure that process wastewater cannot exit the ditch and lead to a discharge to a Water of the U.S.

Yes Manure storage areas?[4]

No Raw material storage areas?[5]
Ponding of runoff from a silage storage area was observed outside of a designated impoundment. According to the facility representatives, this wastewater is pumped to the Lagoon 1 or onto an adjacent field. The inspectors recommended that the facility pump wastewater from this area into a designated impoundment to ensure that the wastewater nutrient content and volume are reflected in the wastewater application rate calculations and records for the facility.

Yes Waste containment areas?[6]

N/A Egg washing or egg processing facility?

Yes Mortality storage, handling, treatment or disposal area?

N/A Other? (describe): N/A

No 37. Was manure or wastewater observed in a waterway? If yes, describe: N/A

Yes 38. Adequate storage available for manure, litter, and process wastewater, and procedures are in place to ensure proper operation and maintenance of the storage facilities? [40 CFR 122.42(e)(1)(i)]
Lagoons 1 and 2 had remaining capacity. No evidence of uncontained manure or wastewater was observed.

Yes 39. Confined animals do not have direct contact with waters of the United States? [40 CFR 122.42(e)(1)(iv)]
Waters of the U.S. do not flow through the animal confinement areas.

[3] Animal confinement area includes but is not limited to open lots, housed lots, feedlots, confinement houses, stall barns, free stall barns, milkrooms, milking centers, cowyards, barnyards, medication pens, walkers, animal walkways, and stables (40 CFR 40 CFR 122.23(b)(8)).

[4] Manure storage area includes but is not limited to lagoons, runoff ponds, storage sheds, stockpiles, under house or pit storages, liquid impoundments, static piles, and composting piles (40 CFR 40 CFR 122.23(b)(8)).

[5] Raw materials storage area includes but is not limited to feed silos, silage bunkers, and bedding materials (40 CFR 40 CFR 122.23(b)(8)).

[6] The waste containment area includes but is not limited to settling basins, and areas within berms and diversions which separate uncontaminated storm water (40 CFR 40 CFR 122.23(b)(8)).

Production Area (continued)

N/A 40. Clean water is diverted from the production area? [40 CFR 122.42(e)(1)(iii)]
Based on information provided by the facility representative and site observations, localized topography would prevent run-on to the production area. Dry conditions during the inspection prevented observation of localized stormwater runoff flow.

Yes 41. Chemicals and other contaminants handled on-site are not disposed of in any manure, litter, process wastewater, or storm water storage or treatment system? [40 CFR 122.42(e)(1)(v)]
The facility representative stated that all chemicals necessary for use in the operation are stored and mixed offsite, with the exception of foot bath chemicals, which are fully used and do not result in waste chemicals requiring disposal. The inspectors did not identify evidence of improper chemical disposal.

Additional Production Area Requirements for Large Dairy Cow, Cattle, Swine, Poultry, and Veal Calf CAFOs (Subparts C and D)

No 42. All open surface impoundments and terminal storage tanks have depth markers which clearly indicate the minimum capacity necessary to contain the runoff and direct precipitation of the 25-year, 24-hour rainfall event? [40 CFR 412.37(a)(2)]
Depth markers are not required for unpermitted CAFOs under the Clean Water Act.

Yes 43. Mortalities remain in the production area until disposal, are not disposed in liquid manure or process wastewater treatment systems, and are handled to prevent discharge of pollutants to surface waters? [40 CFR 412.37(a)(4)]
Mortalities are stored temporarily on site prior to pick up by the renderer. The mortality storage location is near the northwest corner of Lagoon 1; runoff from this area drains to Lagoon 1.

Production area comments:
Wastewater from the milking parlor and runoff from the corrals enter Separators 1-4 (these separators are referred to as Sand Traps by the facility representatives). Wastewater from Separators 1-4 flows by gravity to Separators 5-8, which include synthetic liners. Solids removed from the separators are transferred to Mirada Dairy's manure drying area. Wastewater from Separators 5-8 flows by gravity into Lagoon 1, which is plastic- and clay-lined. Wastewater from Lagoon 1 is pumped to Lagoon 2 (referred to as Field 5 Lagoon by the facility representatives). A portion of runoff from the northern corrals flows directly to Lagoon 1. Runoff from the westernmost corral and the feed storage area is not contained in the designated impoundments (see question 36).

Manure vacuumed from the freestall barns is hauled directly to the facility's land application sites or to the drying yard at Mirada Dairy.

The facility also has a Mixing Pond where wastewater from Lagoon 1 or 2 or from Mirada Dairy can be mixed with freshwater prior to land application. According to Mr. Nederend, the facility is planning to construct a new 12-acre, plastic-lined lagoon west of Lagoon 1 for additional storage capacity.

Inspector: _____ **Date:** 5/30/2019

Aerial Photo/Site Map


Nederend Dairy
4598 Hagg Road, Hansdale, Idaho 83823
Google Earth

Solid S